

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROSANN WILLIAMS, et al.,

Plaintiffs,

v.

Civil No. 03-1195 WJ/ACT

W.D. SPORTS N.M., INC., et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER DENYING
DEFENDANTS' MOTION FOR CLARIFICATION**

THIS MATTER comes before the Court pursuant to Defendants' Motion for Clarification [Docket No. 168]. Having reviewed the motion, I find it is not well taken and is therefore denied for the reasons that follow.

Defendants' motion asks this Court to clarify its recent ruling on Defendants' motion for summary judgment as to all claims by Plaintiff Hunter as found in its Memorandum Opinion and Order filed October 28, 2004 [Docket No. 165]. Specifically, Defendants state that their motion for summary judgment as to all claims by Plaintiff Hunter argued that all claims by Hunter against individual defendants must fail. Defendants further state that the Court did not address their argument with regard to individual liability.

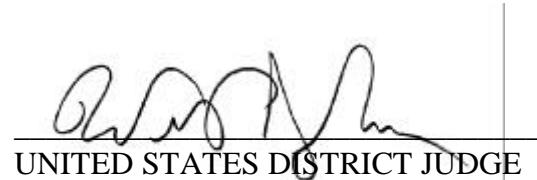
A review of the Defendants' memorandum in support of the motion for summary judgment as to all claims by Plaintiff Hunter reveals that Defendants, in a footnote on page 13, stated that Hunter's facts were insufficient to establish her hostile environment claims under the NMHRA against the individual Defendants. As far as this Court is concerned, a single sentence

buried in a footnote of a brief does not sufficiently raise and argue an issue. Accordingly, the Court did not address this issue in its Memorandum Opinion and Order filed October 28, 2004 [Docket No. 165] and there is nothing to clarify.

Defendants' position with regard to the liability of individual Defendants may have merit, but the Court is not going to address issues in a summary judgment that were not adequately raised. Defendants' efforts to flesh out this argument in its Motion for Clarification is a poorly veiled attempt to raise and argue a motion for summary judgment well past the motion filing deadline.

CONCLUSION

IT IS THEREFORE ORDERED that Defendants' Motion for Clarification [Docket No. 168] is hereby DENIED.



The image shows a handwritten signature in black ink, appearing to be "John A. Jones". Below the signature is a horizontal line, and underneath that line, the words "UNITED STATES DISTRICT JUDGE" are printed in a standard sans-serif font.